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2 United States Attorney  
3 450 Golden Gate Ave (11<sup>th</sup> Floor)  
4 San Francisco, CA 94102  
5 Telephone: (415) 436-7200

6 Attorneys for the United States

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA

9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 Daniel David Arariza,  
14 Defendant.

CRIMINAL NO. 07-mj-70740PVT

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL RULES  
OF CRIMINAL PROCEDURE

15 Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal  
16 Procedure that on 12/13/07, the above-named defendant was arrested based upon an  
17 arrest warrant (copy attached) issued upon an

18 ☐ Indictment ☐ Information ☐ Criminal Complaint ☒ Other  
19 pending in the ~~97-00887~~ District of Arizona, Case Number 97-00887.

20 In that case, the defendant is charged with a violation(s) of Title(s) 18 United States Code,  
21 Section(s) 2583

22 Description of Charges: \_\_\_\_\_

23 Respectfully Submitted,

24 SCOTT SCHOOLS  
25 UNITED STATES ATTORNEY

26 Date: 12/13/07

27 Assistant U.S. Attorney  
28

AO 442 (Rev. 5/88-A2) Warrant for Arrest

# United States District Court

## District of Arizona

### WARRANT FOR ARREST

United States of America

V.

DANIEL DAVID ARAIZA

CASE NUMBER: CR 97-00887-001-TUC-JMR(GEE)

To: The United States Marshal and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest DANIEL DAVID ARAIZA

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☐ Complaint ☐ Order of Court

☐ Violation Notice ☒ Supervised Release Violation Petition

charging him or her with (brief description of offence) Violation of Supervised Release

in violation of Title 18 United States Code, Section(s) 3883RICHARD H. WEARE

Name of Issuing Officer

CLERK

Title of Issuing Officer

Kay Davis

Signature of Issuing Officer

8/12/07, Tucson, Arizona

Date and Location

Kay Davis

(By) Deputy Clerk

Bail fixed at \$ \_\_\_\_\_ to be held without bond pending appearance before this court by JOHN M. ROLL, Chief United States District Judge.

#### RETURN

This warrant was received and executed with the arrest of the above-named defendant at:

Date Received	Name and Title of Arresting Officer	Signature of Arresting Officer
Date of Arrest		

☐ PSA; ☒ PO; ALISA; USM

P\_Prob12.mn  
(Rev. 12/04)

U.S. MARSHALS

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FILED	LOGGED
RECEIVED	COPY
JUN 12 2007	
CLERK U.S. DISTRICT COURT	
DISTRICT OF ARIZONA	

# UNITED STATES DISTRICT COURT

for  
DISTRICT OF ARIZONA

United States v. David/Daniel Araiza

Docket No. CR 97-00887-001-TUC-JMR (68E)

## Petition to Revoke Supervised Release

COMES NOW PROBATION OFFICER Gregory J. Metoyer of the Central District of California Probation Office, presenting an official report on David Daniel Araiza who was committed to the Bureau of Prisons on October 30, 1998, by the Honorable John M. Roll presiding in the District Court of Arizona. A 60-month period of supervised release was imposed. Araiza's supervised release was revoked on October 6, 2004, and he was sentenced to 12 months imprisonment and 48-months supervised release. Supervision commenced upon the offender's discharge from imprisonment (from state custody) on May 2, 2006. In addition to the general terms and conditions adopted by the court, the offender was ordered to comply with the following special conditions:

1. You shall participate as instructed by the probation officer in a program of substance abuse treatment which may include testing for substance abuse. You shall contribute to the cost of treatment in an amount to be determined by the probation officer.
2. You shall submit your person, property (including but not limited to computer, electronic devices, and storage media), residence, office, or vehicle to a search conducted by a probation officer, at a reasonable time and in a reasonable manner based on reasonable suspicion of contraband or evidence of violation of a condition of release. Failure to submit to search may be grounds for revocation. You shall warn any other residents that the premises may be subject to searches pursuant to this condition.
3. You shall reside and participate in a community corrections center for 180 days, unless discharged earlier by the probation officer.
4. You shall not be involved with gang activity, possess any gang paraphernalia or associate with any person affiliated with a gang.
5. You shall abstain from all use of alcohol or alcoholic beverages.

David Daniel Araiza was convicted of possession with intent to distribute marijuana, a Class B felony.

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U.S.A. v. David Daniel Araiza

Docket No. CR 97-00887-001-TJC-JMR

May 11, 2007

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE  
AS FOLLOWS:**

**ALLEGATION A: Violation of Standard Condition 1: "You shall not commit another federal, state, or local crime during the term of supervision."**

On April 2, 2007, in Los Angeles County, California, Daniel Araiza committed the new state drug trafficking crime of Possession of Marijuana for Sale, in violation of California Health and Safety Code 11359. On April 4, 2007, Araiza was convicted of the offense in the Superior Court of California, Los Angeles, under case number TA090041. Araiza was sentenced to a 16-month term of imprisonment. A Grade A violation, mandatory revocation pursuant to 18 U.S.C. §3583(g)(1).

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U.S.A. v. David Daniel Araiza  
Docket No. CR 97-00887-001-TUC-JMR  
May 11, 2007

### AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a warrant.

Gregory J. Matoyer  
Gregory J. Matoyer  
Senior U.S. Probation Officer

5/22/07  
Date

Reviewed by

Steve D. Walls  
Steve D. Walls  
Supervisory U.S. Probation Officer

5/22/07  
Date

Reviewed by

Joelyn Marlowe  
Joelyn Marlowe  
Assistant U.S. Attorney

6/7/07  
Date

### ORDER OF COURT

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 11<sup>th</sup> day of June, 20 07 and ordered filed and made a part of the records in the above case.

John M. Roll  
The Honorable John M. Roll,  
Chief U.S. District Judge

Defense Counsel:

Micaela Portillo (AFPD)  
407 West Congress Street  
Suite 501  
Tucson, Arizona 85701-1310